

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

RALPH STEWART, JR., )  
v. )  
Plaintiff, )  
VCU HEALTH SYSTEM ) Civil Action No. 3:09CV738-HEH  
AUTHORITY, )  
Defendant. )

**ORDER**

THIS MATTER is before the Court on the Report and Recommendation of U.S. Magistrate Judge Dennis W. Dohnal (the “R&R”) concerning Defendant’s request for sanctions. For the reasons set forth in the accompanying Memorandum Opinion, Plaintiff’s objections to the R&R are OVERRULED;<sup>1</sup> the R&R (Dk. No. 158), issued on November 22, 2011, is ADOPTED; and Defendant’s Motion to Dismiss and for Attorney’s Fees (Dk. No. 116), filed on September 2, 2011, is GRANTED. Accordingly, this action is hereby DISMISSED WITH PREJUDICE.

Because Defendant is entitled, under Fed. R. Civ. P. 37(b)(2)(C), to recover the “reasonable expenses, including attorney’s fees, caused by” Plaintiff’s failure to comply with the rules and orders of this Court, Defendant is ORDERED to file, no later than

<sup>1</sup> This includes Plaintiff's Partial Objections to Magistrate's Report and Recommendation "Orders" (Dk. No. 169), filed on December 16, 2011; Plaintiff's Amended Objections to the Report and Recommendation of the Magistrate Judge and Plaintiff's Motion to Strike Defendants' Motion to Dismiss and for Attorney's Fees (Dk. No. 173), filed on January 23, 2012; and Plaintiff's Second Amended Objections to the Report and Recommendation of the Magistrate Judge (Dk. No. 176), filed on February 9, 2012.

thirty (30) days after the issuance of this Order, a separate motion pursuant to Fed. R. Civ. P. 54(d)(2) itemizing those fees and expenses which resulted specifically from Stewart's misconduct.

All other motions pending in this matter (Dk. Nos. 100, 126, 131, 147, 150, 156, 162, 165, and 174) are hereby DENIED AS MOOT.

Should Plaintiff wish to appeal this Order, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record, and to Plaintiff, who is *pro se*.

It is so ORDERED.

*Henry* /s/  
Henry E. Hudson  
United States District Judge

Date: Feb. 10, 2012  
Richmond, VA